

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TABERNA CAPITAL MANAGEMENT, : No. 08 Civ. 11355 (DLC)  
LLC, and LARRY LATTIG, Litigation Trustee for :  
the First Magnus Litigation Trust, as Successor in :  
Interest herein to Taberna Capital Management, :  
LLC and The Bank of New York Mellon Trust :  
Company, N.A., in its Capacity as Trustee Under :  
The Indenture and Property Trustee for the :  
First Magnus TPS Trust :  
Plaintiff, :  
- against - :  
GURPREET S. JAGGI, :  
Defendant. :  
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**NOTICE OF MOTION**

Oral Argument Requested

PLEASE TAKE NOTICE that, upon the accompanying Declaration of G. Todd Jackson, Esq., dated October 22, 2010, the Declaration of Matthew Thrasher, dated October 20, 2010, the Declaration of Gurpreet Jaggi, dated October 22, 2010 and the Exhibits referenced therein and included in the accompanying Appendix of Exhibits in Support of Defendant's Motion for Summary Judgment, Defendant's Rule 56.1 Statement of Undisputed Material Facts, dated October 22, 2010, Defendant's Memorandum of Law in Support of Motion for Summary Judgment, and all the pleadings and papers heretofore filed, Defendant, Gurpreet S. Jaggi, by his attorneys, Kane Kessler, P.C., shall move this Court, before the Honorable Denise L. Cote, in the United States Courthouse at 500 Pearl Street, New York, New York, 10017, Courtroom 11B, pursuant to Fed. Rule Civ. P. 56(b) for an Order awarding summary judgment in favor of Defendant and dismissing Plaintiffs' action in its entirety, with prejudice, on the grounds that there are no material issues of fact and Defendant is entitled to dismissal as a matter of law.

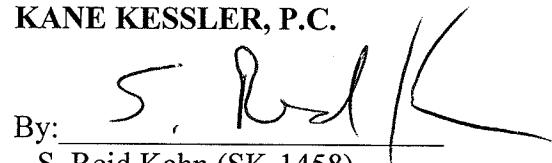
PLEASE TAKE FURTHER NOTICE that pursuant to the Order of the Court, dated April 9, 2010, Plaintiffs' opposition to this motion shall be served no later than November 12, 2010.

Dated: New York, New York  
October 22, 2010

**KANE KESSLER, P.C.**

By: \_\_\_\_\_

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